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MERCHANTS TO SIGN GENERAL AVERAGE BOND

Insured Consignees of Alameda Freight Decide to Follow Berg's Advice.

It occurs to us to say something to you with respect to her cargo so that you may understand the position when the bearer of this letter, the S. S. Nevada, arrives, as considerable of the Alameda cargo goes forward by the Nevada. The case has been very well handled and there should be no difficulty. But we desire to put you in possession of all the facts as to what has been done at this end so that you may be fully informed.

The cargo discharged from the Alameda has been carefully examined by the representatives of the owners and underwriters and all sound cargo forwarded by the Nevada. Wherever damaged cargo was found it has been put to one side and the shippers and underwriters, if they can be found, notified to take charge of the goods. We feel reasonably certain, in view of this, that the cargo which will be delivered from the Nevada will be in good condition, and naturally must be accepted by the consignees whether the entire shipment is delivered or not. It is not unlikely that in some instances the consignees will find only a portion of their shipments on board the Nevada. This will, of course, take care of itself and if the remainder is lost, the underwriters will consider the claim in the light of their policy conditions. The cargo is being forwarded naturally by the owners of the Alameda and consignees to their Honolulu agents who will take the usual general average bond and in some cases a deposit.—Extract from letter from San Francisco correspondent to A. Berg, marine underwriters local representative.

The above extract from a letter written by a San Francisco correspondent to Mr. A. Berg, local representative of the Marine Underwriters, was read before the meeting of the Merchants' Association at 3 o'clock yesterday, and it effectually dispelled all doubts as to procedure in the Alameda cargo matter. The result of its presentation before the merchants was to decide them to sign the general average bond and remove their goods from the Railway wharf.

For more than half an hour the discussion had been rambling on the subject of whether or not the consignees of the salvaged Alameda freight should sign the general average bond required by the steamship company before they would make freight deliveries. About half of those present were in favor of signing the bond, but others were doubtful. Mr. Berg, being asked

to make a statement, merely read the above extract, and the association promptly took favorable action.

The meeting was called at three, with Chairman George W. Smith presiding, and Theo. Lansing, secretary. There was a large attendance. The discussion was general, although many confessed their lack of knowledge of the intricate subject, stating that they had merely put in an appearance to learn and be guided by those more experienced.

Mr. Lange opened the discussion by stating that the wreck of the Alameda seemed to have been caused through the negligence of the officers. He thought that under the circumstances it might be a question as to whether it would be proper for the consignees to sign the general average bond. The insurance companies might not want to protect them afterwards.

Mr. Lucas of May & Co. had never had any experience in a matter such as the present case. Some people had told him that he should not remove any of the Alameda goods arriving by the Nevada from the wharf, while others had told him to take the goods and look to the insurance companies to do what is right. Chas. Crane of the Gazette Co. stated that in the case of the ship Henry Villard, his company had signed a general average bond and the matter had been adjusted by the insurance people.

Mr. Lishman of Macfarlane & Co. said that all his company's goods were insured in San Francisco. He had received a duplicate shipment on the Nevada. He did not think he would take the goods that arrived on the Nevada originally started on the Alameda. He would let his people in San Francisco fight the matter out. His goods were in the lower hold of the Alameda and were probably damaged. He did not believe he would sign a general average bond. If his insurance was at this end he might proceed differently.

"Therefore, I shall simply throw the goods back on their hands," he said. "I don't think any man has any call to pay the pro-rata on any other man's goods."

Mr. McNerny of the McNerny Shoe Co. inquired whether by signing the general average bond the consignees were in any way releasing the Oceanic Steamship Company.

"It looks to me as though the vessel was stranded through gross carelessness, for which the pilot was suspended," he said. "If we sign this general average bond which the steamship company is sending us it seems to me we are going to release them. The Alameda was not wrecked through an act of God. It was the carelessness of the pilot."

"Why cannot we sign that bond under protest? I feel that we have got to sign that bond if we want to get our (Continued on Page 5.)

DEATH OF A KAMAANA

W. N. Armstrong and His Long and Useful Career.

A man of mark, an American of Hawaiian birth, the worthy son of a worthy sire, has departed in the passing of William Nevins Armstrong. Cablegrams to his relatives and to the press yesterday announced his death on Sunday night, the 15th of October. He was seventy years and seven months old. Dating from his college days, Mr. Armstrong had a career of forty-six years crowded with useful activities, both public and private, the scene of



LATE HON. W. N. ARMSTRONG.

part of which was laid in the beloved islands of his birth.

Though realizing that he had lived the allotted span of threescore years and ten, beyond which the Hebrew psalmist says man has naught to expect but griefs and pains, and that he had recently been unwell, his relatives here received the news of his death as a sad surprise. About six or seven weeks ago they had word that he was sick with malarial fever at Hampton, Va., but a week or so ago they heard that he was better and would come to Honolulu for the marriage of his son Matthew at the end of this month. Then a cablegram from his daughter Dorothy at Washington came yesterday stating that he had died. As Mr. Armstrong frequently stayed at the Metropolitan Club, Washington, it is surmised that his death occurred at the national capital, and the press dispatch says he is dead in Washington.

BIOGRAPHICAL SKETCH.

William Nevins Armstrong was born in Lahaina, Island of Maui, on March 10, 1835, after his parents had returned to these islands from the Marquesas mission station. His father was the Rev. Dr. Richard Armstrong, who came here in 1831 under the American Board of Commissioners of Foreign Missions, afterward becoming Minister of Public Instruction and as such the father of the Hawaiian public school system. As a missionary Dr. Armstrong was first located at Wailuku. Besides being a minister of the crown, he was made a member of the House of Nobles, as the upper branch of the Legislature was called, the position under the earlier constitutions being for life. Mr. Armstrong's mother was Clarissa Chapman Armstrong, of Pittsfield, Mass., a sister of Chief Justice Chapman of the Massachusetts Supreme Court. Mr. Armstrong was a brother of the late General S. C. Armstrong, whose creditable war record in the sixties gave him fame only second to that attaching indelibly to his name as the founder of Hampton Institute, Virginia.

W. N. Armstrong received his early education at the Royal school, Honolulu, where he became the intimate friend of many of the young chiefs, including David Kalakaua. From thence he went to Yale, graduating in 1859. Forthwith he studied law with his uncle, Judge Chapman, and soon entered on the practice of law in New York City. W. R. Castle read law with him there. Mr. Armstrong married Miss Fanny Morgan, of a prominent New York family and established a home at Hampton, near General Armstrong's Institute. He had a farm there and developed oyster beds, being the pioneer in securing legislation both in Maryland and Virginia for protecting oyster beds in inland waters. Two of his sons, Matthew and Richard, are now carrying on this business, owning 1200 acres of oyster beds.

In the year 1880 King Kalakaua, his former schoolmate, called Mr. Armstrong to the Hawaiian Islands to become Attorney General, and the following year he took the trip around the world with the king. The story of this tour he told in the book recently published, "Around the World with a (Continued on Page 5.)

JUDGE DOLE REJOINS

He Answers the Letter of Judge C. F. Hart.

Editor Advertiser: In view of the importance of the question of what shall be the future political and social condition of this Territory, and how it may be favorably influenced by our present policies and efforts, I note, with interest, Judge Hart's contribution to the discussion of this subject, in a recent number of the Advertiser.

I am pleased to find that we both agree that the addition of Japanese citizens, born here and educated in our public schools, to our voting population, will be of value; our difference being, that while he, weighing the national character of the Japanese and their wonderful success in adopting the best features of Caucasian civilization and reforming their civil system accordingly, concludes that such addition to our citizenship "will be no whit inferior to what an American citizen voter should be," and that, as he fully believes, "the inexorable logic of facts will, ere another generation passes, disprove" my "theoretical speculation"—my anxiety is that should voters of Japanese and Chinese descent in time become so numerous as to dominate our politics, such predominance would or might tend to prejudice our political and social sentiment and thus retard or interfere with our progress in these departments of the life of the community.

It is pleasant to have the optimistic prognostications of so careful a thinker as Judge Hart, especially as we are likely to make the experiment under consideration whether we wish to or not, and it is to be hoped that his conclusions will, if the test takes place, be found to be correct.

I believe that in a question like the one under discussion, race tendencies have to be considered. The Japanese, living by themselves with but slight intercourse with other peoples for many centuries, passed through a process of natural evolution up to the time when America forced them to assume relations with the rest of the world. They have their social customs, religious beliefs and ceremonies and their political doctrines, strengthened by long acceptance and practice. Although the latter have been somewhat modified by their recent intercourse with foreign nations, it is not their application to the administration of affairs that has been modified rather than the principles themselves. Their religious loyalty to the Emperor appears to be unaffected by their modern progress. Will not these customs, beliefs and principles which have become as it were the mental and spiritual habit of the race inhere as tendencies in such of their numbers as may migrate to other countries and to their descendants, for a long time to come?

Lafayette Hearn, in his recent book on Japan, emphasizes the tenacity with which these tendencies survive. He says: "Under all the outward aspects of individual activity that modern Japan presents to the visitor's gaze, the ancient conditions really persist to an extent that no observation could reveal. Still the immemorial cult rules all the land. Still the family law, the communal law and (though in a more irregular manner) the clan law, control every action of existence." And again, "A Japanese emigrant community abroad arranges itself upon the home plan, except as regards the communal cult, perhaps. The domestic cult is transplanted; emigrants who go abroad accompanied by their families, take the ancestral tablets with them."

Is it likely that a generation of Japanese boys and girls, educated in our public schools, will be able to overcome these hereditary tendencies, especially when we consider that probably the great majority of them will be brought up in homes where Shintoism or Buddhism prevail and social customs of the Japanese are followed without material modification?

What would they have beside their education in the public schools and their touch with our public sentiment, to correspond with the influence of centuries of political struggle and social evolution that are the inheritance of the Caucasian races? The reforms (Continued on Page 5.)

CHARLES M. COOKE HAS BEEN HIGHLY HONORED



CHARLES M. COOKE, NEWLY ELECTED VICE-PRESIDENT OF THE AMERICAN BANKERS' ASSOCIATION.

(Associated Press Cablegram.)

WASHINGTON, October 14.—Charles M. Cooke of Honolulu has been elected one of the vice-presidents of the American Bankers Association.

HYDE BACK TO TESTIFY

(Associated Press Cablegrams.)

NEW YORK, October 17.—James Hazen Hyde, former vice-president of the Equitable Life Assurance Society, has returned from Europe and is prepared to testify in the insurance inquiry.

ADULTERATED BUTTER SUPPLIED TO NAVY

WASHINGTON, October 17.—Samples of large quantities of butter supplied the League Island navy yard have been found to be colored with coal tar dyes.

SCANDAL IS REOPENED.

GOTHA, October 17.—Prince Philip of Saxe-Coburg is suing in open court for a divorce from the eloping Princess Louise.

The Princess Louise of Belgium, to whom Prince Philip was married thirty years ago, has had a romantic life, her final escapade being an evasion of the guards set about her by the Duke and elopement with an officer of the Austrian army much her junior. She is reputed to be slightly demented, though her friends attribute her eccentricities to ill treatment.

BRYAN REACHES JAPAN.

TOKIO, October 17.—Bryan has been received and dined by the American-Japanese society. He will be received in audience by the Emperor this week.

FOLK HELPS WEAVER.

PHILADELPHIA, October 17.—Governor Folk of Missouri took part in the municipal campaign last night by a speech in favor of the Weavers.

ACTOR SUPREMELY HONORED.

LONDON, October 17.—Sir Henry Irving, the actor, will be buried in Westminster Abbey.

THE PEACE TREATY RATIFIED.

Washington, D. C., October 16, 1905.

To Consul-General Saito, Honolulu: The peace treaty between Japan and Russia was ratified by both sovereigns on the 14th day of October, 1905.

The notice of ratification was exchanged by both governments. In Japan, it was promulgated by imperial edict on the 16th instant. The treaty will take effect as a whole on and after the date on which the notice is given.

TAKAHIRA.

THE MEANING AND LAWS OF GENERAL AVERAGE

For the guidance of Honolulu merchants who are consignees of Alameda freight, the following extracts from La Roche's excellent booklet, "The Shipmasters' Guide," are taken:

General Average is a loss arising from a voluntary sacrifice made, or expense incurred, for the purpose of averting a threatening danger to the common safety. General Average losses are contributed for by all the interests at risk and which are benefited by the General Average Act. Such contribution is entirely independent of a question of whether or not there is any insurance.

Particular Average is a partial loss damage to ship, cargo or freight, or any of them, resulting directly from the perils of the voyage, and which is particularly accidental in its nature. Particular Average losses are not contributed for by the other interests, but are borne by that interest which has sustained the damage.

If, during the voyage, through the intervention of perils of the sea, fire, landing or other excepted perils, the vessel and her cargo are in danger of loss, and by the voluntary sacrifice of part of the ship, her materials, the freight or the cargo, or any of them,

the total loss is prevented, such sacrifice is contributed for and made good by the interests benefited.

Or, under the same conditions, if the general safety is secured by the expenditure of money, such expenditure is likewise made good.

Security for the payment of General Average is usually taken in the shape of the signature of the consignee to an Average Bond, together with either a cash deposit or the guarantee of some responsible person or corporation, for the payment of the average. The security should always be taken before the delivery of the cargo is made.

The signature of the consignee to the Average Bond is ALWAYS necessary, and is not dispensed with by the making of a general average deposit or the acceptance of a guarantee from an insurance company.

Persons in his work on "Laws of Business," gives the following regarding General Average:

Whichever of the three great mercantile interests—ship, freight or cargo—is voluntarily lost or damaged for the benefit of the others, if the others receive benefit therefrom, they must contribute ratably to the loss. That is to say, such a loss is averaged upon all

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